



FREEDOM IN THE WORLD 2020

The Bahamas

FREE

91
/100

<u>Political Rights</u>	38 /40
<u>Civil Liberties</u>	53 /60

LAST YEAR'S SCORE & STATUS

91 /100 Free

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

The Bahamas are a stable democracy where political rights and civil liberties are generally respected. However, the islands have a relatively high homicide rate. Harsh immigration policies, which mainly affect Haitian-Bahamians and Haitian migrants, are often executed in the absence of due process. Government corruption is a serious problem that is thought to have had significant economic consequences.

Key Developments in 2019

- In September, Hurricane Dorian caused severe devastation and displacement, particularly affecting communities of Haitian migrants and Haitian-Bahamians. Afterward, the government escalated efforts to deport migrants.
- Domestic advocates for the LGBT+ community reported improvements in social attitudes and productive engagement during the year with the Office of the Attorney General.
- In July, the government passed a law requiring nonprofit organizations to register, declare sources of contributions and all donations over \$50,000, and account for annual income and expenditures. The new provisions raise concerns about government surveillance of civil society.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

4/4

The Bahamas are governed under a parliamentary system, and a mostly ceremonial governor-general is appointed by the British monarch as head of state. The prime

minister is head of government, and is appointed by the governor-general; the office is usually held by the leader of the largest party in parliament or head of a parliamentary coalition. Hubert Minnis became prime minister following the victory of his party, the Free National Movement (FNM), in the May 2017 legislative elections.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

4/4

Members of the lower chamber of the bicameral Parliament, the 39-member House of Assembly, are directly elected to five-year terms. The 16 members of the Senate are appointed for five-year terms by the governor-general based on recommendations made by the prime minister and the opposition leader.

In May 2017 general elections, the ruling Progressive Liberal Party (PLP) was defeated by the FNM, which won 35 out of 39 seats in the House of Assembly; Minnis, the FNM leader, was then appointed prime minister. International monitors praised the electoral process, but expressed concern about an outdated voter-registration system, and the replacement of the parliamentary commissioner—a key administrative official—and the redrawing of electoral districts before the polls.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

4/4

The electoral process is regulated by the Parliamentary Elections Act and generally well managed by the Parliamentary Registration Department. The parliamentary commissioner heads the department, and is appointed by the governor-general acting on the recommendation of the prime minister after consultation with the opposition leader.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

4/4

Political parties may organize freely, and operate unhindered. However, as electoral financing is not regulated, there is no legal obligation to disclose funding sources and no limit on campaign spending.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

4/4

Opposition parties operate without undue interference. Political power has alternated between the PLP and the FNM since the country achieved independence from the United Kingdom in 1973.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

4/4

Voters and candidates are generally able to exercise their political choices freely. However, a lack of campaign-finance regulations leaves open avenues for the outsized role of money in politics.

B4 0-4 pts

Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?

4/4

Only citizens may vote, and protracted and obscure citizenship and naturalization proceedings make achieving citizenship difficult for those born to foreign parents in the Bahamas. Though women and women's interests remain underrepresented in politics, 7 out of 16 Senators are women, including both the Senate president and vice president. LGBT+ people are underrepresented in politics, but advocates for the community reported productive engagement during 2019 with the Office of the Attorney General.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

4/4

Freely elected officials are generally able to determine national policies in a free and unhindered manner.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

3/4

The country's anticorruption mechanisms are relatively weak, and there is no agency specifically empowered to handle allegations of government corruption. Rates of reporting corruption are low, as whistleblowers fear retaliation. Domestic transparency advocates have alleged that widespread government corruption has been a significant contributor to a recent economic downturn.

In November 2019, a probe was launched by the Netherlands into suspected corruption regarding the government's acquisition of nine defense force vessels; investigators suggested that commissions the government paid the Dutch-based shipbuilding company were suspiciously high. Separately, bribery cases against former labor minister Shane Gibson and former housing and environment minister Kenred Dorsett were dismissed during the year, decisions widely viewed as politicized. Bills to establish an independent anticorruption body and an ombudsman were on the legislative agenda in 2019, but had not been approved at year's end.

C3 0-4 pts

Does the government operate with openness and transparency?	3/4
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Government procurement processes lack transparency, and political parties and campaigns are not required to disclose their finances. A long-awaited Freedom of Information Act was passed in February 2017. Meanwhile, whistleblower protections became active in March 2018 and the government has announced a target date of May 2020 for full implementation.

Legislators and other high-ranking public officials are required to disclose their income and assets under the Public Disclosure Act of 1976, but often fail to submit the required information on time.

A new Fiscal Responsibility Law aims to improve transparency of public-sector spending established an independent oversight and enforcement body. In late 2019, the government was unable to meet the law's benchmarks due to post-hurricane disruption and expenses.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?	3/4
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Press freedom in the Bahamas is constitutionally guaranteed and generally respected in practice. The country's privately owned newspapers and radio broadcasters freely express a variety of views, although partisanship is common.

Libel is a criminal offense punishable by up to two years in prison. Though rarely enforced, Gorman Bannister, who ran news and commentary pages on social media, was remanded to prison in July 2019 on charges of libel and misusing a communications system after he allegedly posted insults and defamatory statements against a former cabinet minister, though was released on bail shortly after.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?	4/4
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Religious freedom is generally respected.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?	4/4
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Academic institutions are generally free from political pressure and other interference.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

4/4

People can freely express personal views in private and in public without fear of retribution or surveillance.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?

4/4

Freedom of assembly is protected by the constitution, and the government respects this right in practice.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?

4/4

Freedom of association is generally protected, and a variety of nongovernmental organizations (NGOs) operate in the country. In July 2019, the government passed a law requiring nonprofit organizations to register, declare sources of contributions and donations over \$50,000, and account for annual income and expenditures, raising concerns about government surveillance of civil society.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?

4/4

Labor, business, and professional organizations are generally free from government interference. Unions have the right to strike, and collective bargaining is prevalent.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?	4/4
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The judicial system is headed by the Supreme Court and a court of appeals, with the additional right of appeal to the Privy Council in London under certain circumstances. The Bahamian judiciary is predominantly independent, and there have been no major reports in recent years of attempts by powerful figures to use political or other influence to secure favorable rulings. In 2019, the Inter-American Development Bank suggested separating the Office of the Public Prosecutor from the Office of the Attorney General, among other reforms, as potential improvements.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	3/4
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Due process in civil and criminal matters generally prevails. However, the government only appoints counsel to defendants in capital cases, leaving some people without legal representation. Generally, noncitizen migrants do not enjoy due process before detention or deportation, and in 2019, the government escalated efforts to deport migrants in the aftermath of the hurricane.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	4/4
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Homicide and violent crime rates in the Bahamas remain among the highest in the Caribbean. In 2019, murders had increased to 96, up from 91 in 2018. However, state security agents generally do not engage in the illegal use of force against civilians, and the population is not threatened by large-scale violence or insurgencies.

Prison conditions are poor, and reports of violence against prisoners by guards continue.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?	2/4
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The Constitution does not prohibit gender-based discrimination, which denies men and women equal treatment under the law.

Despite a change in government, harsh immigration policies enacted in 2014 are still in effect, and have exacerbated stigma and discrimination against the targeted populations, mainly Haitians and Haitian-Bahamians. People perceived to be of Haitian descent are frequently rounded up by immigration authorities and detained, and civil society advocates continue to report that detained migrants experience overcrowding and inhumane conditions. After Hurricane Dorian in 2019, the government banned immigrants without documentation from relief centers and pursued removal of shantytowns that primarily house migrant populations.

Discrimination based on sexual orientation or gender identity is not prohibited by law, and LGBT+ people continue to report discrimination in employment and housing. However, domestic LGBT+ advocates reported improvements in societal attitudes towards LGBT+ individuals in 2019. A number of Pride events to bolster LGBT+ advocacy efforts have also been planned for 2020.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

3/4

The freedom of movement is protected. However, the immigration policies adopted by the previous government are still enforced and have had an impact on people of Haitian descent in the exercise of their individual rights, including their ability to move freely and choose their places of residence, employment, and education. Roadblocks have been erected as part of immigration enforcement actions.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

4/4

The country has a strong private sector, and the economy relies mostly on tourism and financial services. Individuals are free to establish businesses, subject to generally non-onerous legal requirements.

Efforts to get rid of shantytowns housing migrant communities escalated after Hurricane Dorian, and squatters' land entitlements under the Limitation Act could be interrupted due to post-hurricane abandonment. The government also proposed a bill criminalizing failure to evacuate. Furthermore, emergency powers were invoked to defend demolitions on land impacted by the storm. However, an August 2018 Supreme Court injunction requiring the government and utility providers to halt any planned service disconnections or evictions in shantytown communities was in effect at year's end.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?

3/4

The government does not place explicit restrictions on social freedoms. However, the Bahamian constitution distinguishes between Bahamian men and women in their transmission of Bahamian citizenship to their spouse or child. This results in instability in the family unit, and long processes to have Bahamian citizenship recognized for children born to Bahamian parents.

Violence against women, including domestic violence and marital rape, is a serious issue. No law permits same-sex marriage.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

3/4

The Bahamas is a source, destination, and transit country for men, women, and children for forced labor and sexual exploitation. The government fully complies with minimum international standards to address the problem and has made significant efforts to prosecute traffickers. Migrant workers, many of whom arrive in the Bahamas to work in the agricultural sector and in domestic services, are particularly vulnerable to exploitation.



On The Bahamas

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Country Facts

Global Freedom Score

91/100 Free

Other Years

2019

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